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Draft **FOIA**
Exempt



"Kirkpatrick, Denise"
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10/04/2006 01:54 PM

To Linda Jacobson/ENF/R8/USEPA/US@EPA

cc "Johnson, Iver" <ijohnson@mt.gov>, "Hall, Mark (DEQ)"
<mahall@mt.gov>

bcc

Subject RE: Asarco - Interim Capping Work Plan

Linda

I have reviewed the document Asarco East Helena Smelter, 2006 Interim Measures Work Plan Addendum dated September 26, 2006. The Department received this on September 28, 2006.

The Department has the following comments and concerns:

* The Department is not aware that EPA and/or ASARCO have determined the impact that the exposed soils and structures in the Phase 1, 2 and 3 areas will have on groundwater due to exposure. In a June 29, 2006 e-mail, Asarco explained their rationale for capping cement slabs stating the slabs in and around the dross plant have served as a storage location for speiss and dross and the slabs are in poor shape. Asarco further said that groundwater studies in this area indicate a significant response to infiltration of precipitation and surface water.

The Department is not aware that the need for a cap at the Phase 1 and Phase 3 demolition areas has been explained. However, the Department is concerned that the need for caps in these areas has not been fully evaluated. The Department understands that the RFI Report identified the speiss handling area's soil as a source to groundwater.

The work plan must explain why interim measures, i.e. caps, are needed for these areas. The explanation should reference any existing soil and groundwater data. The work plan should explain what impacts the exposed areas have to groundwater.

* The work plan should provide an estimated time that the interim caps will be in place.

* The work plan does not explain if footings and other structures that are above the cement slabs will be removed so that the site is to "grade." The work plan must clearly explain how any these structures will be handled.

* Section 2.2 states that soil samples will be collected. This section also states that samples will be archived. The work plan should explain why the soil samples will still be viable for analysis after storage.

* The work plan does not clearly state whether any samples will be collected and submitted promptly for analysis. This point should be clarified in the work plan.

* Based on Exhibit 1 of the RFI Report, additional soil samples in the Phase 1 and Phase 3 areas may be warranted to determine soil contamination and appropriate action in these areas. Therefore, the Department believes soil samples collected in these areas should be submitted for analysis.

* Although the proposed caps are presented in this report as an interim measure, the Department understands from meetings with EPA and Asarco that this technology will likely to be proposed as a final remedy. The Department encourages EPA to consider how the proposed caps will limit future land use at this site. The Department is concerned that the caps will limit the site's potential redevelopment and economic viability.

* The public comment requirements in the Consent Decree between EPA and Asarco regarding interim measures work plans are unclear. Although the document is presented as an Addendum to a previous work plan, the proposed capping measures have not been available previously for public review and comment. Therefore, the Department strongly encourages EPA to make the work plan available for public comment, particularly given EPA and Asarco's indication that the caps will also be a final remedy.

Sincerely,

Denise A. Kirkpatrick
Solid and Hazardous Waste Specialist
Hazardous Waste Section
Waste and Underground Tank Management Bureau
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Helena, MT 59620-0901
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-----Original Message-----

From: Jacobson.Linda@epamail.epa.gov
[mailto:Jacobson.Linda@epamail.epa.gov]
Sent: Friday, September 29, 2006 1:59 PM
To: Kirkpatrick, Denise
Cc: Johnson, Iver; Hall, Mark (DEQ)
Subject: RE: Asarco - Interim Capping Work Plan

Thank you, Denise. I appreciate any review that you or Iver could provide. Have a nice weekend.

Linda

"Kirkpatrick,
Denise"
<dkirkpatrick@mt.gov>

09/29/2006 01:16
PM

Linda
Jacobson/ENF/R8/USEPA/US@EPA

"Johnson, Iver"
<ijohnson@mt.gov>, "Hall, Mark
(DEQ)" <mahall@mt.gov>

Subject
RE: Asarco - Interim Capping Work
Plan

To

cc

Linda,

I will try and look at the report on Monday or Tuesday. I am working on another time sensitive project today. I will pass this information on to Iver; I believe he is only in the office Monday and Tuesday of next week.

Denise

-----Original Message-----

From: Jacobson.Linda@epamail.epa.gov
[mailto:Jacobson.Linda@epamail.epa.gov]
Sent: Friday, September 29, 2006 11:03 AM
To: Kirkpatrick, Denise
Cc: Johnson, Iver
Subject: RE: Asarco - Interim Capping Work Plan

Denise,

I had just assumed that you would want to review and comment. If you prefer to defer to EPA, then I am satisfied with the proposed temporary capping plan, as revised by the agreements that I reached with Mr. Nickel concerning inspection frequency and analysis of all collected samples within prescribed timeframes.

I will be off Monday and Tuesday, returning Wednesday. If you agree that the document as modified is acceptable, then I could issue an approval letter next week.

Linda

"Kirkpatrick,
Denise"
<dkirkpatrick@mt
.gov>

09/29/2006 10:05
AM

To
Linda
Jacobson/ENF/R8/USEPA/US@EPA
cc
"Johnson, Iver" <ijohnson@mt.gov>
Subject
RE: Asarco - Interim Capping Work
Plan

Linda,

Are you referring to the "2006 Interim Measures Work Plan Addendum, 2006 Phase 1, Phase 2 and Phase 3, Final Cleaning, Soil Sampling, Backfilling, and Interim Cap Work Plan" dated September 26, 2006? The Department received this document yesterday. I have not reviewed it yet; Iver is out of the office until Monday.

Denise

-----Original Message-----

From: Jacobson.Linda@epamail.epa.gov
[mailto:Jacobson.Linda@epamail.epa.gov]
Sent: Friday, September 29, 2006 9:42 AM
To: Kirkpatrick, Denise
Subject: Asarco - Interim Capping Work Plan

Denise,

Do you or Iver have any comments on the capping work plan? I had a couple of comments which I discussed and clarified with Jon Nickel. I can approve it with the following modifications: 1) all samples will be analyzed within established holding times for the parameters listed in Table 2-1 and 2) monthly inspections of the capped areas will be conducted using the attached checklist.

Thanks.

Linda